

PATENT

**DECLARATION AND POWER OF ATTORNEY  
IN PATENT APPLICATION**

Attorney Docket No.: 1774-13-3

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

Inventor is a small entity.

I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

LIGHT MODULATED MICROARRAY READER AND METHODS RELATING  
THERETO

the specification of which

- is attached hereto.
- was filed on June 6, 2002 as U.S. Application Serial No. (or PCT International Application No. 10/165,168) and was amended on \_\_\_\_\_ (if applicable). If not present when this instrument is executed, applicant's attorney or agent is authorized to enter the application serial number and filing date upon receipt of the same from the appropriate authority.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b), of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
_____	_____	Day/Mo/Year	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	Day/Mo/Year	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

<u>Application No.</u>	<u>Filing Date</u>
60/296,635	June 6, 2001
_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status: Patented/ Pending/Abandoned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby appoint the attorneys associated with Customer No. 00996 to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Address all correspondence and phone calls to:

Joshua King  
GRAYBEAL JACKSON HALEY LLP  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5973 USA  
Telephone (425) 455-5575  
Facsimile (425) 455-1046

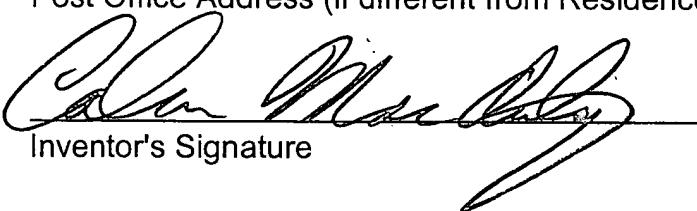
I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Calum E. MacAulay  
Full Name of Inventor

CANADA  
Citizenship

338 East 37<sup>th</sup> Vancouver, British Columbia, Canada V5W 1E7  
Residence

Post Office Address (if different from Residence)

  
Inventor's Signature

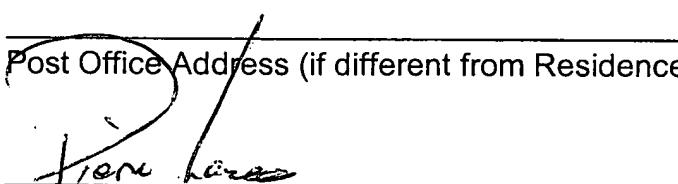
Aug 20/2002  
Date

Pierre M. Lane  
Full Name of Inventor

CANADA  
Citizenship

324 West 15<sup>th</sup> Ave, Vancouver, BC V5Y 1Y2  
1201-1651 Harwood Street Vancouver, British Columbia, Canada V6G 1Y2  
Residence

Post Office Address (if different from Residence)

  
Inventor's Signature

Aug 20, 2002  
Date



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

MARCH 10, 2003

PTAS

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1774-13-3

Chief Information Officer  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



\*102277354A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/07/2002

REEL/FRAME: 013461/0481

NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MACAULAY, CALUM E.

DOC DATE: 10/24/2002

ASSIGNOR:

LANE, PIERRE M.

DOC DATE: 10/24/2002

ASSIGNEE:

DIGITAL OPTICAL IMAGING  
CORPORATION  
1201 CORNWALL AVENUE  
SUITE 201  
BELLINGHAM, WASHINGTON 98225

SERIAL NUMBER: 10165168

FILING DATE: 06/06/2002

PATENT NUMBER:

ISSUE DATE:

RECEIVED  
MAR 17 2003

GRAYBEAL JACKSON  
HALEY LLP

APR 13 2003

013461/0481 PAGE 2

SHARON BROOKS, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Tab settings

102277354

To the Honorable Commissioner of Patents and Trademarks. Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Calum E. MacAulay  
Pierre M. Lane

11-12-02

Additional name of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: 10/24/2002

2. Name and address of receiving party(ies)

Name: Digital Optical Imaging Corporation

Internal Address: \_\_\_\_\_

Street Address: 1201 Cornwall Avenue, Suite 201

City: Bellingham State: WA Zip: 98225

Additional Name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

10/165,168

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Joshua King

Internal Address: \_\_\_\_\_

Street Address: Graybeal Jackson Haley LLP

155 108<sup>th</sup> Avenue NE Suite 350

City: Bellevue State: WA Zip: 98004

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) . . . . . \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

07-1897

(Attach duplicate copy of this page if paying by deposit account)

11/08/2002 DAYNE 00000127 10165168

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Joshua King

Name of Person Signing

Signature

November 1, 2002

Date

Total number of pages including cover sheet, attachments, and documents: 9

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

OFFICE OF PUBLIC RECORDS  
707 NOV - 7 PM 1:35  
FINANCE SECTION

## ASSIGNMENT OF RIGHTS

In consideration of the payment by ASSIGNEE to ASSIGNORS of good and valuable consideration the adequacy and receipt of which are hereby acknowledged,

ASSIGNOR Calum E. MacAulay, residing or having a principal place of business at 338 East 37<sup>th</sup> Vancouver, British Columbia, Canada V5W 1E7, and a citizen or juristic entity of Canada,

ASSIGNOR Pierre M. Lane, residing or having a principal place of business at 1201 – 1651 Harwood Street Vancouver, British Columbia, Canada V6G 1Y2 , and a citizen or juristic entity of Canada,

hereby sell, assign, and transfer to:

ASSIGNEE Digital Optical Imaging Corporation, residing or having a principal place of business at 1201 Cornwall Avenue, Suite 201, Bellingham, Washington 98225, and a citizen or juristic entity of the United States of America, and the successors, assigns, and legal representatives of the ASSIGNEE, the entire right, title, and interest in the United States, Canada and in all other countries, including all rights to claim priority, in and to the invention entitled **LIGHT MODULATED MICROARRAY READER AND METHODS RELATED THERETO** as disclosed in United States provisional patent application serial number 10/165,168, filed on June 6, 2002 (if not present when this instrument is executed, applicant's attorney or agent is authorized to enter the application serial number and filing date upon receipt of the same from the United States Patent and Trademark Office), and in and to all Letters Patent to be obtained from said invention by the above application including any continuation, division, renewal, or substitute thereof, and as to Letters Patent from any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement, or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts, documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation, or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all

papers, instruments or affidavits required to apply for, obtain, maintain, issue, and enforce said application, said invention, and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purpose thereof.

EXECUTED ON, and effective from this 24 day of October, 2002  
at Vancouver, BC, Canada, 601 West Broadway, suite 18

ASSIGNOR:

Calum E. MacAulay:

Signature: Calum MacAulay

Title (if applicable): Chief Scientist

Province of British Columbia      )  
    ) ss.  
Country of Canada                )

I certify that I know or have satisfactory evidence that Calum E. MacAulay, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

Appointment Expires \_\_\_\_\_

SEAL

EXECUTED ON, and effective from this 24<sup>th</sup> day of October, 2002  
at Vancouver, BC, Canada, 601 West Broadway.

ASSIGNOR:

Pierre M. Lane:

Signature: Pierre M. Lane

Title (if applicable): Research Scientist

Province of British Columbia      )  
    ) ss.  
Country of Canada                )

I certify that I know or have satisfactory evidence that Pierre M. Lane, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

Appointment Expires \_\_\_\_\_

SEAL

EXECUTED ON, and effective from this 27<sup>th</sup> day of OCTOBER, 2002  
at 601 W BROADWAY, SUITE 128 VANCOUVER BC CANADA

ASSIGNEE: Digital Optical Imaging Corporation

Name: R. P. ELLIOTT

Signature: R. P. Elliott

Title (if applicable): CEO/PRESIDENT

Province of British Columbia      )  
    ) ss.

Country of Canada                )

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
is the person who appeared before me, and said person acknowledged that he signed  
this instrument and acknowledged it to be his free and voluntary act for the uses and  
purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

Appointment Expires \_\_\_\_\_

SEAL

I hereby declare that I was personally present and did see the ASSIGNORS, who are personally known to me to be the persons named in the assignment, duly sign and execute the same on this 24<sup>th</sup> day of OCTOBER, 2002 of their own free will for the purpose therein expressed at the following location: \_\_\_\_\_

WITNESS:

Name: ROBERT P. ELLIOTT

Signature: R. P. Elliott

WITNESS:

Name: Ravil Chamgoubov

Signature: R. C.